

1 Daniel R. Watkins  
Nevada State Bar No. 11881  
2 Joseph M. Ortuno  
Nevada State Bar No. 11233  
3 WATKINS & LETOFSKY, LLP  
4 8215 S. Eastern Ave., Ste. 265  
Las Vegas, NV 89123  
5 Email: DW@wl-llp.com  
jortuno@wl-llp.com  
6 Tel: (702) 901-7553  
7 Fax: (702) 974-1297

8 Attorneys for Plaintiff  
KARL HANSEN

9 [COUNSEL CONTINUED ON NEXT PAGE]

10  
11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 KARL HANSEN,  
14 Plaintiff,  
15 vs.  
16 ELON MUSK; TESLA, INC.; TELS  
MOTORS, INC.; U.S. SECURITY  
ASSOCIATES; DOES 1 THROUGH 50,  
17 Defendants.  
18

Case No. 3-19-cv-00413-LRH-WGC

**JOINT SCHEDULING CONFERENCE  
REPORT PURSUANT TO RULE 26(F)**  
**SPECIAL SCHEDULING REVIEW  
REQUESTED**

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1 Crane M. Pomerantz  
Nevada Bar No. 14103  
2 SKLAR WILLIAMS, PLLC  
410 South Rampart Boulevard, Suite 350  
3 Las Vegas, Nevada 89145  
4 Email: cpomerantz@sklar-law.com  
Tel: (702) 360-6000  
5 Fax: (702) 360-0000

6 Christopher F. Robertson  
Bar No. 642094  
7 Email: crobertson@seyfarth.com

8 Anne V. Dunne  
Bar No. 681893  
9 Email: adunne@seyfarth.com

SEYFARTH SHAW LLP  
10 World Trade Center East Two Seaport Lane, Suite 300  
Boston, Massachusetts 02210-2028  
11 Telephone: (617) 946-4800  
12 Facsimile: (617) 946-4801

13 Attorneys for Defendants  
ELON MUSK, TESLA, INC., and TESLA MOTORS, INC.  
14

15 Matthew T. Cecil  
Nevada State Bar No. 9525  
16 HOLLAND & HART LLP  
9555 Hillwood Drive, 2nd Floor  
17 Las Vegas, NV 89134  
Tel: (702) 669-4600  
18 Fax: (702) 669-4650  
19 Email: MTCecil@hollandhart.com

20 S. Jordan Walsh  
Nevada State Bar No.  
21 Dora V. Lane  
Nevada State Bar No.  
22 HOLLAND & HART LLP  
5441 Kietzke Lane, Suite 200  
23 Reno, NV 89511  
24 Tel: (775) 327-3000  
Fax: (775) 786-6179 (fax)  
25 Email: sjwalsh@hollandhart.com  
26 dlane@hollandhart.com

27 ///

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28 ///

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1 Jeremy T. Naftel  
 California State Bar No. 185215  
 2 Janine M. Braxton  
 California State Bar No. 296321  
 3 Alex A. Smith  
 California State Bar No. 317224  
 (pro hac vice applications forthcoming)  
 5 MARTENSON, HASBROUCK & SIMON LLP  
 455 Capitol Mall, Suite 601  
 6 Sacramento, California 95814  
 Email: jnaftel@martensonlaw.com  
 7 jbraxton@martensonlaw.com  
 alexsmith@martensonlaw.com  
 8

9 Attorneys for Defendant  
 10 U.S. SECURITY ASSOCIATES

11 Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff Karl Hansen and  
 12 Defendants Elon Musk (“Musk”), Tesla, Inc., Tesla Motors, Inc. (“Tesla”), and U.S. Security  
 13 Associates (“USSA”) by and through their respective counsel, having conducted a conference in  
 14 accordance with Rule 26(f) on November 25, 2019, submit the following Joint Report of  
 15 Conference of Parties.

16 **I. CONFERENCE OF PARTIES.**

17 Plaintiff’s counsel and Defendants’ counsel conferred by telephone on Monday, November  
 18 25, 2019, to discuss the topics required by Fed. R. Civ. P. 26(f), including but not limited to, the  
 19 nature and basis of their claims and defenses, the possibility for a prompt settlement or resolution  
 20 of the case, the arrangements for initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1), and the  
 21 development of a proposed discovery plan. Counsel have prepared this Joint Report outlining the  
 22 proposed discovery plan in accordance with Fed. R. Civ. P. 26(f).

23 **II. STATEMENT OF THE CASE.**

24 Plaintiff’s Complaint alleges the three causes of action: 1) intentional interference with  
 25 contractual relations (against Defendants Tesla and Musk); 2) breach of contract (against  
 26 Defendant USSA); and 3) Whistleblower – SOX (against Defendants Tesla, Musk, and USSA).  
 27 Defendants deny Plaintiff’s allegations and deny that any violation of law occurred. Defendants  
 28 further deny that Plaintiff has been damaged as alleged, or at all.

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2 **III. PROCEDURAL HISTORY.**

3 Plaintiff filed his Complaint on July 19, 2019. Defendant Tesla was served on August 29,  
4 2019. Defendant Musk waived service on September 19, 2019. Defendants Tesla and Musk  
5 answered Plaintiff's Complaint on September 19, 2019. Plaintiff served Defendant USSA on  
6 October 1, 2019. On October 22, 2019, Defendant USSA and Plaintiff filed a stipulation to an  
7 extension for time to respond to Plaintiff's Complaint. Defendant answered on November 12,  
8 2019.

9 **IV. SUBJECTS OF DISCOVERY.**

10 Discovery will be conducted on the following general issues: (1) whether Defendants Tesla  
11 or Musk intentionally interfered with Plaintiff's alleged USSA employment contract; (2) whether  
12 Defendant USSA breached the alleged employment contract with Plaintiff; (3) whether Plaintiff  
13 was terminated because of his alleged reports of misconduct; (4) whether Plaintiff incurred any  
14 damages; and (5) Defendants' affirmative defenses.

15 **V. DISCOVERY PLAN.**

16 As an initial matter, the parties stipulated and request that November 25, 2019, the date of  
17 all counsels' Fed. R. Civ. P. 26(f) telephone conference, serve as the commencement of the 180-  
18 day duration for the discovery cut-off date. This stipulation arises out of the initial delays in  
19 effecting service on Defendant USSA. The proposed extension is intended to prevent any unjust  
20 loss of time to participate in the valuable discovery process. Pursuant to L.R. 26-1(b)(1), all  
21 discovery must be completed within 180 days from the date on which the first answering defendant  
22 answers or appears. However, when Defendants Musk and Tesla answered Plaintiff's Complaint  
23 on September 19, 2019, Defendant USSA had yet to be served. Given the complexities that are  
24 likely to arise and extensive discovery necessary based on the nature of the claims at issue, all  
25 parties agree the discovery process will be hindered if the Court does not grant the requested  
26 extension. With the exception of calculating the 180-day deadline for the close of discovery on the  
27 date of counsel's conference (November 25, 2019), rather than the date the first defendant  
28 answered or appeared (September 19, 2019), the designated time frames outlined in Local Rule 26

1 will remain the same.

2 **A. Initial Disclosures.**

3 The parties stipulated to exchange initial disclosures pursuant to Federal Rule of  
4 Civil Procedure 26(a)(1) on or before **Monday, December 23, 2019**. The parties do not believe  
5 that any changes need be made in the form or requirement for disclosures at this time.

6 **B. Discovery Cut-Off Date**

7 Pursuant to L.R. 26-1(b)(1), all discovery must be completed within 180 days from  
8 the date on which the first answering defendant answers or appears. As discussed above, the  
9 parties stipulated to modify this to 180 days after the parties' initial conference on November 25,  
10 2019. Thus, the parties have stipulated to a discovery cut-off date of **Monday, May 25, 2020**.

11 **C. Disclosure of Expert Testimony.**

12 Disclosure of experts shall proceed according to L.R. 26-1(b)(3) which requires that  
13 expert disclosures be made 60 days before the discovery cut-off date, which is **Thursday, March**  
14 **26, 2020**, and rebuttal-expert disclosures will be made 30 days after the initial disclosure of experts,  
15 which would be **Monday, April 27, 2020**.

16 **D. Electronically Stored Information ("ESI") and Electronic Evidence.**

17 The parties have not encountered any issues with ESI, but will cooperate with each  
18 other to resolve any related issues that arise during discovery. All parties intend to provide  
19 evidence in electronic format. L.R. 26-1(b)(9).

20 **E. Privilege or Protective Orders.**

21 The Parties anticipate a stipulated confidentiality protective order for confidential,  
22 sensitive and trade secret- related information likely to be exchanged during this action.  
23 Defendants will provide a Proposed Stipulated Protective Order to Plaintiff for consideration.  
24 Once Plaintiff approves the draft, the parties will submit the Order to the Court for its consideration  
25 and approval as necessary to comply with L.R. 26-7 and Fed. R. Civ. P. 26(c).

26 **F. Amending the Pleadings and Adding Parties.**

27 The parties shall file any motions to amend the pleadings or to add parties by  
28 **Tuesday, February 25, 2020**, which is 90 days before the close of Discovery. L.R. 26-1(b)(2).

**G. Interim Status Report.****NOT REQUIRED.****H. Dispositive Motions.**

The parties shall have until **Wednesday, June 24, 2020**, to file dispositive motions, which is 30 days after the close of discovery. L.R. 26-1(b)(4).

**I. Pretrial Order.**

The parties will file a Joint Pre-Trial Order by **Friday, July 24, 2020** which is not more than 30 days after the date set for filing dispositive motions in this case. L.R. 26-1(b)(5). The deadline will be suspended if dispositive motions are pending or until further order of the Court. *Id.* The disclosure required by Fed. R. Civ. P. 26(a)(3) and objections thereto, shall be made in the pre-trial order. L.R. 26-1(b)(6).

**J. Alternative Dispute Resolution.**

The parties met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and early neutral evaluation. L.R. 26-1(b)(7). The parties agreed it is premature to reach a determination on this issue at this early juncture in the case. The Parties reserve the right to evaluate alternative dispute resolution options as litigation continues.

**K. Alternative Forms of Case Disposition.**

The parties have considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program and have agreed that such alternative forms of case disposition are inappropriate for this case. L.R. 26-1(b)(8)

**L. Limitations on Discovery**

The parties do not anticipate the need for any limitations on discovery at this time.

**M. Additional Orders from the Court**

The parties have met and conferred and discussed the likelihood that Plaintiff's deposition will require more than the seven-hour limitation under Fed. R. Civ. P. 30(d)(1). All

1 parties stipulate to two days for plaintiff's deposition, subject to further discussion should the need  
2 for additional time arise.

3 Jointly and respectfully submitted:

4 Dated: December 9, 2019

WATKINS & LETOFSKY, LLP

5 */s/ Joseph M. Ortuno*

6 \_\_\_\_\_  
Joseph M. Ortuno, Esq.  
Attorney for Karl Hansen

8 Date: December 9, 2019

SEYFARTH SHAW LLP

9 */s/ Christopher F. Robertson*

10 \_\_\_\_\_  
Christopher F. Robertson, Esq.

11 -and-

12 SYKLAR WILLIAMS, PLLC

13 */s/ Crane M. Pomerantz*

14 \_\_\_\_\_  
Crane M. Pomerantz, Esq.

15 *Attorneys for Elon Musk, Tesla, Inc., and*  
16 *Tesla Motors, Inc.*

18 Date: December 9, 2019

MARTENSON, HASBROUCK & SIMON LLP

20 */s/ Jeremy T. Naftel*

21 \_\_\_\_\_  
Jeremy T. Naftel

22 -and-

23 HOLLAND AND HART, LLP

24 */s/ Matt T. Cecil*

25 \_\_\_\_\_  
Matt T. Cecil

26 *Attorneys for U.S. Security Associates*  
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1 IT IS SO ORDERED:

2  
3 DATED: December 10, 2019.

*William G. Cobb*

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4 UNITED STATES MAGISTRATE JUDGE  
5 Hon. William G. Cobb  
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